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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,555	01/17/2002	Gordon Scott Mindrum	0103085-0519322	8685
26874	7590	02/03/2006	EXAMINER	
FROST BROWN TODD, LLC 2200 PNC CENTER 201 E. FIFTH STREET CINCINNATI, OH 45202			HAILU, TADESSE	
			ART UNIT	PAPER NUMBER
			2173	

DATE MAILED: 02/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/051,555	MINDRUM, GORDON SCOTT	
	Examiner	Art Unit	
	Tadesse Hailu	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 19 May 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 39-64 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 39-64 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

1. This Office Action is in response to the Amendment entered with filing of RCE on May 19, 2005.
2. This Application is a continuation of U.S. Application No. 09/016,825 filed January 30, 1998, which claims the benefit of U.S. Provisional Application No. 60/037,010 filed January 31, 1997. The Examiner acknowledges the priority.
3. The pending claims 39 through 64 are examined herein as follows.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 39-40, 42, 44-47, 51, 52, 54-58, and 60-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Assisi (U.S. Pat. No. 5,696,488) in view of Bexten (US Pat No 6,205,133).

With regard to claims 39, 52 and 61:

Assisi discloses a system (see **FIGURE**) for presenting information relating to a deceased person (see Abstract), the system comprising:

a computer readable medium (**6**) comprising data representing biographical information (personal information) relating to a deceased person, wherein the deceased person is associated with a cemetery (column 1, lines 31-62);
a processor (**5**) in communication with the computer readable medium (**6**),

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wherein the processor is operable to receive a request (via data cable 4) for at least a portion of the biographical information relating to the deceased person from a user (user of communication apparatus 3) located within the cemetery (see column 1, lines 63-column 2, lines 6, FIGURE);

a device (3) operable to present at least a portion of the requested biographical information to the user (user of communication apparatus 3) located within the cemetery (see FIGURE), wherein the transmitter (2) is further operable to transmit at least a portion of the requested biographical information relating to the deceased person to the device (3) in response to the request for at least a portion of the biographical information relating to the deceased person (see Abstract, column 2, lines 23-30, FIGURE). Furthermore, Assisi teaches that the user/visitor of the portable device can gain access to the storage device and may call up therefrom desired information for display or direct processing, but Assisi does not clearly show that the user can gain access information related to one or more deceased persons (plural).

a transmitter (2) in communication with the processor (5), the transmitter (2) being operable to transmit at least a portion of the requested biographical information relating to the deceased person, wherein the transmitter/receiver is located within the cemetery. Assisi further teaches the transmitter/receiver is operable to transmit biographical information relating to a deceased person, the portable device receives desired information for display or direct processing, that is the user can gain access information related to a deceased person (Abstract, column 1, lines 31-46, column 2,

lines 15-22, FIGURE), but accessing information via transmitter related to a plurality of deceased persons (plural) is not shown.

Thus, in claims languages Assisi is silent in describing, “ ...the receiver is operable to receive requests for biographical information relating to a plurality deceased persons (plural); and similarly Assisi is silent in describing “...the transmitter is operable to transmit biographical information relating to a plurality of deceased persons (plural). Assisi meets the limitations of claims 39, 52 and 61 except that it employs a transmitter/receiver operable to transmit biographical information relating to a deceased person rather than transmitter/receiver operable to transmit/receive biographical information relating to deceased persons. Furthermore, Assisi seems to illustrate that more than one transmitter/receiver is needed to gain access to each deceased person in the graveyard, that is each gravestone seems to be equipped with transmitter/receiver.

Bexten, on the other hand discloses a single central hub radio communication transmitter/receiver) for use in radio communication with multiple distributed radio transceivers (portable devices) (Fig. 1). Bexten and Assisi are analogous art because they are from the same field of endeavor, accessing information resource via radio communication. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to replace the plurality of transmitter/receiver seems to be located at each gravestone with a central transmitter/receiver of Bexten because centralizing resources radio communication (e.g., transmitter/receiver) at the hub would maximizes overall system capacity, flexibility, and resource usage efficiency while minimizing the

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overall system cost (Bexten, Abstract). Furthermore the central transmitter/receiver enables the transceiver users to gain access to several information resources, without limited to a single resource. Therefore, it would have been obvious to combine Bexten with Assisi to obtain the invention as specified in claims 39, 52 and 61.

With regard to claim 40:

Assisi in view of Bexten further discloses that said computer readable medium (6) is located within the cemetery (see FIGURE).

With regard to claim 42:

Assisi in view of Bexten further discloses that said deceased person's grave site (see FIGURE) located within the cemetery, wherein at least one of the computer readable medium (6) or the transmission (2) location is located at or proximate to the grave site (see FIGURE).

With regard to claim 44:

Assisi in view of Bexten further discloses that said computer readable medium (6 and/or 6') further includes biographical information relating to a plurality of deceased persons (column 2, lines 16-22).

With regard to claim 45:

Assisi in view of Bexten further discloses that said device (3) comprises a portable electronic device (Abstract, column 1, lines 52-62).

With regard to claim 46:

Assisi in view of Bexten further discloses providing the portable electronic device (3) to the user for a limited time (column 2, lines 3-6, column 2, lines 26-30).

With regard to claim 47:

Assisi in view of Bexten further discloses that portable electronic device comprises at least one of a personal digital assistant (3) or an laptop computer (Abstract, column 1, lines 52-62).

With regard to claim 51:

Assisi in view of Bexten further discloses that said at least a portion of the requested biographical information relating to the deceased person is transmitted to the device (3) wirelessly (Abstract, column 1, lines 52-62).

With regard to claim 53:

Assisi in view of Bexten further discloses that said computer readable medium (6) is part of a computer system located within a cemetery office (7) located within the cemetery (see FIGURE, column 2, lines 15-22).

With regard to claim 54:

Assisi in view of Bexten further discloses a gravesite (see FIGURE) for the deceased person, wherein at least one of the computer readable medium (6) or transmitter (2) is located proximate to the gravesite.

With regard to claim 55:

Assisi in view of Bexten further discloses that said gravesite comprises a coffin (column 2, lines 12-15) wherein the at least one of the computer readable medium (6) or transmitter (2) is located in the coffin.

With regard to claim 56:

Assisi in view of Bexten further discloses that said gravesite comprises a head stone (1), wherein the at least one of the computer readable medium (6) or transmitter (2) is located in the head stone (1).

With regard to claim 57:

Assisi in view of Bexten further discloses that said computer readable medium (6 and/or 6') further includes biographical information relating to a plurality of deceased persons (column 2, lines 15-22).

Assisi in view of Bexten further discloses that said device comprises a portable electronic device (3) (Abstract).

With regard to claim 60:

Assisi in view of Bexten further discloses that said transmitter (2) is operable to transmit the at least a portion of the requested biographical information relating to the deceased person to the device wirelessly (column 1, lines 52-62, column 2, lines 23-29).

With regard to claim 62:

Assisi in view of Bexten further discloses that said transmitter/receiver (2) is located within the cemetery (see column 1, lines 31-40, FIGURE).

With regard to claim 63:

Assisi in view of Bexten further discloses that said device (3) is electronic and portable (Abstract, column 1, lines 52-63).

With regard to claim 64:

Assisi in view of Bexten further discloses that said computer readable medium (6 and /or 6') comprises data representing biographical information relating to a plurality of deceased persons (column 2, lines 16-22).

5. Claims 41, 43, 48-50, 53 and 59 rejected under 35 U.S.C. 103(a) as being unpatentable over Assisi (U.S. Pat. No. 5,696,488) in view of Bexten (US Pat No 6,205,133) and Evans, III (U.S. Pat. No. 5,732,231).

With regard to claim 48:

Assisi in view of Bexten discloses a computer readable medium located (6) within a Control Storage Chamber (7) located within the cemetery (see FIGURE).

With regard to claim 49:

Assisi in view of Bexten also discloses a device comprises a Control Storage Chamber (7) located within the cemetery (see FIGURE).

With regard to claim 50:

Assisi in view of Bexten also discloses said transmission (2) location comprises a Control Storage Chamber (7) located within the cemetery (see FIGURE).

With regard to claim 59:

Assisi in view of Bexten further discloses Control Storage Chamber (7) located within the cemetery, wherein the Control Storage Chamber (7) comprises at least one of the computer readable medium (6), the transmitter (2), or the device (3) (see FIGURE).

In the above claims, While Assisi discloses Control Storage Chamber (7) centrally located within the cemetery (column 2, lines 16-22), but Assisi does not

expressly describe such Central Storage Chamber as a kiosk, which is required in claims 48-50 and 59.

Furthermore, while Assisi in view of Bexten discloses a computer readable medium storage (**6**) and transmission (**2**) located with a cemetery, but Assisi in view of Bexten does not expressly disclose cemetery office located in the cemetery as required by claims 41, 43 and 53.

However, Evans III (Evans) discloses an apparatus located in a funeral establishment (funeral home or cemetery office column 1, lines 60-63) for displaying information about a deceased person, wherein information is presented to the user in terminal display designed in a kiosk fashion (Figs. 2-4, column 2, lines 50-67, column 3, lines 42-67).

Evans and Assisi in view of Bexten are analogous art because they are from the same field of endeavor, presenting information to a user.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide the control storage chamber (**7**) of Assisi in view of Bexten with the *terminal display* of Evans because such *terminal display* at least allows entry or retrieval of information about the deceased from distant sites (e.g., Internet) so family members and others unable to visit the deceased can have information (Evans, column 2, lines 14-20).

Therefore, it would have been obvious to combine Assisi in view of Bexten with Evans to obtain the invention as specified in claims 41, 43, 48-50, 53 and 59.

Response to Arguments

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6. Applicant's arguments with respect to claims 39, 52 and 61 have been considered but are moot in view of the new ground(s) of rejection.

CONCLUSION

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (571) 272-4051. The Examiner can normally be reached on M-F from 10:00 - 630 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, John Cabeca, can be reached at (571) 272-4048 Art Unit 2173.

8. An inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Examiner Tadesse Hailu
Art Unit 2173 - Operator Interface
1/31/06

